

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CONDODOMAIN, LLC., and ANTHONY JAMES LONGO, JR., d/b/a BLOCKAVENUE.COM	Case No.
Plaintiffs,  vs.  JASON B. COLANTUONI AND BRIAN HOLT	
Defendants.	

**AFFIDAVIT OF KEVIN FLING**

I, Kevin Fling, being duly sworn, do hereby depose and state:

1. I am a free-lance contractor and perform work for CondoDomain, LLC, and Anthony J. Longo, Jr., ("Longo") d/b/a Blockavenue.com ("Blockavenue") as an Information Technologist and web developer. I have personal knowledge of the matters set forth herein.
2. Longo is the founder and principle owner of Blockavenue and the CEO and Primary shareholder of CondoDomain, LLC.
2. This affidavit is submitted in support of the Plaintiffs' Emergency Motion for Temporary Restraining Order.
3. On July 7, 2011, Longo asked me to terminate Jason Colantuoni's<sup>1</sup>

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<sup>1</sup> It was later determined via Police investigation that the individual who Longo met as a perspective web designer for Blockavenue, and who signed a nondisclosure, non-competition and IP Property rights agreement, was in fact Brian Holt, a business

(“Colantuoni’s”) access to the blockavenue Internet servers because Longo had decided not to engage him in business.

4. On July 8, 2011, Longo informed me that he contacted Colantuoni and told him he was no longer interested in hiring him.

5. Later that morning, Longo and I recognized that the Blockavenue website and all of it’s content and user generated reviews on the server had been deleted, but they left the “about us” page live, and changed the content to say “I like to waste people’s time.”

6. Longo contacted Colantuoni and requested he send us all of the information as Colantuoni deleted all of the backups contained on the server.

7. Colantuoni refused to do so, and Longo proceeded to file a police report at the South Boston Police Department.

8. As a result of Colantuoni and Holt’s actions, the seven (7) months of web development and seven (7) months of marketing to attract the user-generated content on Blockavenue is permanently destroyed and impossible to recover in its whole.

9. Beginning on July 8, 2011, I began the process of attempting to retrieve any data that I could from blockavenue and to date, I have spent over forty-nine (49) hours to this effect.

10. Longo is also an Internet Engineer and has put in over eighty (80) hours to date in attempting to repair and rebuild blockavenue.

11. On August 11, 2011, Longo contacted me with regards to massive amount of unusual activity on the CondoDomain, LLC servers.

12. I then looked into the server logs and quickly determined that Colantuoni launched a variety of malicious hacking attempts on the CondoDomain servers.

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partner of Colantuoni.

13. I proceeded to research where the attack was coming from and found out that the IP address belonged to SEOETTE the company that Jason Colantuoni and Brian Holt allegedly own.

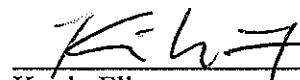
14. The attacks on CondoDomain on August 11, 2011, had multiple effects on the CondoDomain servers: (1) inundating the form submission functionality of the website and mail server, rendering the lead flow to CondoDomain employees useless for 48 Hours; (2) a clear attempt to gain access and steal passwords from the CondoDomain servers so that they could also attempt to steal proprietary information; (3) attempt to cause damage to the CondoDomain servers and software in order to bring down CondoDomain as they did Blockavenue.

15. Longo wrote an email to Colantuoni and Holt on August 11<sup>th</sup> demanding that they stop their illegal actions, stop portscanning, attacking, spamming, and overall demanding that they never visit the websites again.

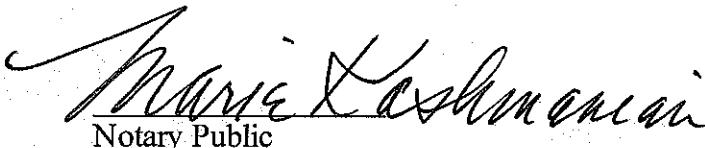
16. Longo has informed me that Colantuoni and Holt responded by threatening the reputation of Longo personally, CondoDomain and Blockavenue within 24 hours.

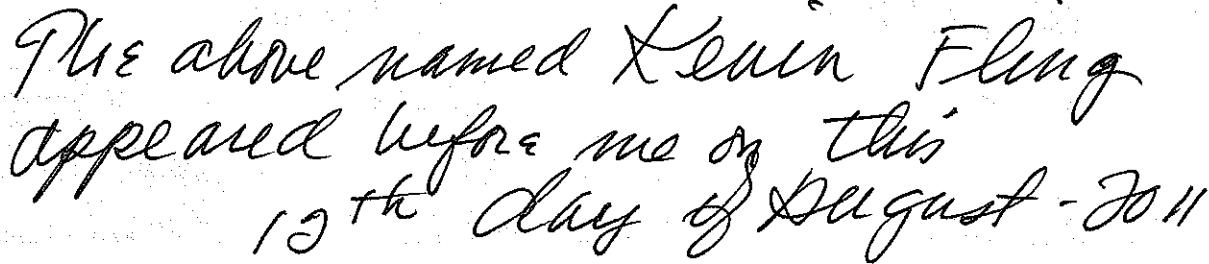
17. Longo also informed me that he received a phone call from Colantuoni stating that if he went to the police he would "kill him".

Signed under the pains and penalties of perjury this 12<sup>th</sup> day of August 2010.

  
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Kevin Fling

8-12-2011

  
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Notary Public  
My Commission expires 09-29-2017

  
The above named Kevin Fling  
appeared before me on this  
12<sup>th</sup> day of August - 2011